

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

DOCKET NO. 14-CR-10168-FDS

KEVIN SANDERSON

ASSENTED TO MOTION FOR PRE-PLEA PRE-SENTENCE REPORT

NOW COMES defendant, Kevin Sanderson, by and through counsel, Paul J. Garrity, and respectfully moves this Court to authorize the Probation Department to prepare a Pre-Plea Pre-Sentence Report.

In support of this motion, the defendant states as follows:

1. The defendant stands charged with Conspiracy to Distribute Heroin and Fentanyl and Distribution of Fentanyl.
2. The defendant anticipates entering a guilty plea to the above mentioned charges.
3. However, one of the potential issues that could affect the defendant's decision to enter a guilty plea and his sentencing is whether or not he is a career offender.
4. The determination of whether he qualifies as a career offender primarily is based on an evaluation of a resisting arrest conviction the defendant has from the Dorchester District Court.
5. The recent decision from the United States Supreme Court in Johnson v. United States, 576 U.S. ____ (June 26, 2015) raises issues with respect to the career offender provision of the Sentencing Guidelines, and potential predicates such as the resisting arrest conviction that is at issue in the instance case.
6. Given the dramatic impact the career offender issue may have on the defendant's decision making and sentencing, the defendant submits that a Pre-Plea Pre-Sentence Report dealing with this issue would be of great benefit to the defendant, the Government and the Court.
7. That Assistant U.S. Attorney Ted Heinrich does not object to the Motion for Pre-Plea Pre-Sentence Report.

WHEREFORE, the defendant respectfully requests that this Court grant this motion and authorize the Probation Department to prepare a Pre-Plea Pre-Sentence Report.

Respectfully submitted
Kevin Sanderson,
By his Attorney,

Date: July 9, 2015

/s/Paul J. Garrity
Paul J. Garrity
Bar No. 555976
14 Londonderry Road
Londonderry, NH 03053
603-434-4106

CERTIFICATE OF SERVICE

I, Paul J. Garrity, herein certify that on this 9th day of July, 2015, a copy of the within Motion to Amend Release Conditions was efiled to all parties on record and was mailed, postage prepaid, to Kevin Sanderson.

/s/Paul J. Garrity
Paul J. Garrity